

## FACTSHEET

### THE PETITION PROCESS TO QUALIFY A POLITICAL PARTY FOR ELECTION BALLOT PURPOSES IN THE STATE OF HAWAII

This factsheet is provided for informational purposes only. Refer to Sections 11-61 through 11-65 of the Hawaii Revised Statutes for information dealing with political parties.

#### PETITION FOR QUALIFICATION (HRS §11-62)

1. Groups desiring to qualify a new political party in Hawaii for election ballot purposes should contact the Chief Election Officer to request the petition.
2. Prior to receiving the petition, the group must complete an application for the petition and provide the following:
  - (1) The name of the group;
  - (2) The address and telephone number of the group; and
  - (3) The name and telephone number of a contact person for the group
3. The petition for qualification as a political party shall:
  - (1) Declare the intention of the signers thereof to qualify as a political party and state the name of the new party;
  - (2) Contain signatures of currently registered voters comprising not less than one-tenth of one per cent of the total registered voters of the State as of the last preceding General Election (676,242 registered in 2002 General Election = 677 signatures required); and
  - (3) Be upon a form prescribed and provided by the Chief Election Officer.
4. The petition shall be filed by 4:30 p.m. on the 170th day (April 1, 2004) prior to the next Primary Election with the Chief Election Officer in the Office of Elections.
5. The petition shall be accompanied by the following:
  - (1) The names and addresses of the officers of the central committee of the political party;
  - (2) The names and addresses of the officers of the respective county committees of the political party; and
  - (3) The party rules.
6. If no objections are raised by 4:30 p.m. on the 20th business day after the petition has been filed, the petition shall be approved.

### **PARTY RULES (HRS §11-63)**

1. Party rules must be submitted with the petition forms when they are filed. All other political parties must file party rules by 4:30 p.m. on the 150th day (April 21, 2004) prior to the next Primary Election with the Chief Election Officer in the Office of Elections.
2. All amendments to party rules shall be filed not later than 4:30 p.m. on the 30th day after their adoption.
3. All rules and amendments must be certified by an authorized officer of the party, and upon filing, shall become public record.

### **WITHDRAWAL OF SIGNATURES FROM THE PETITION (HRS §11-6)**

A voter who signs a petition and seeks to withdraw his/her signature from the petition may do so if the petition has not yet been filed with the chief election officer.

1. A voter who seeks to withdraw the voter's signature from a petition must submit a notice in writing to the chief election officer any time before the filing of the petition. The notice shall include the voter's:
  - (1) Name;
  - (2) Social security number;
  - (3) Residence address;
  - (4) Date of birth; and
  - (5) Signature with the name under which the voter is registered to vote.
2. Upon receipt of that notice containing the information required by HRS §11-6, the chief election officer shall notify the group or individual to whom the petition was issued and the signature of the individual shall not be counted.

### **OBJECTIONS (HRS §11-62)**

1. The petition shall be subject to a hearing under Chapter 91 should objections be raised by the Chief Election Officer or any political party. Objections must be filed not later than 4:30 p.m. on the twentieth business day after the petition has been filed. The Chief Election Officer may extend the objection period up to an additional ten business days, if the group of persons desiring to qualify as a political party is provided with notice of extension and the reasons therefore. All decisions shall be rendered not later than 4:30 p.m. on the thirtieth day after filing of the objection or not later than 4:30 p.m. on the one hundredth day prior to the Primary Election, whichever occurs first. If no objections are raised by the deadline, the petition shall be approved.
2. The Chief Election Officer may check the names of any persons on the petition to see that they are registered voters and may check the validity of their signatures. Upon filing, the petition shall become public record.

## ELECTION DATES

The Primary Election will be held on Saturday, September 18, 2004.

The General Election will be held on Tuesday, November 2, 2004.

## INSTRUCTIONS FOR CORRECTLY COMPLETING THE PETITION FORM

1. The petition can only be verified on the basis of the information contained on it. The information is compared with the information contained in the official voter register. If a voter provides information that is illegible or inconsistent with the information in the official voter register, this may result in the signature not being counted. Examples of this are the voter providing an incorrect address, social security number, or date of birth. This frequently results from illegible handwriting or a voter transposing numbers.
2. Use black ink for all signatures and do not separate the petition sets.
3. The voter's signature should match the signature on his/her most recent voter registration affidavit. This signature will be used for any necessary signature validity checks.
4. The voter's residence address where he/she is registered to vote must be recorded. The voter should not use an address to which the voter has moved subsequently to registering and has failed to make the change of registration required by law. Mailing addresses are not acceptable.
5. Do not make copies of the petition sets. If you need additional petition sets, contact the Office of Elections at (808) 453-VOTE(8683). Allow a minimum of two to three business days for the preparation of the petition forms.

This Fact Sheet is intended for informational purposes only and should not be used as an authority on the Hawaii election law and candidate deadlines. Requirements and/or deadlines may change pending changes in legislation. Consult the Hawaii Revised Statutes and other sources for more detailed and accurate requirements.

Office of Elections  
802 Lehua Avenue  
Pearl City, Hawaii 96782  
Phone: 808-453-VOTE(8683)  
Neighbor Island Toll Free: 1-800-442-VOTE(8683)

Office of Elections - FSBO121D  
Rev. 06/20/03

**Chapter 11, Hawaii Revised Statutes**  
**PART V. PARTIES**

**§11-61 "Political party" defined.** (a) The term "political party" means any party which has qualified as a political party under sections 11-62 and 11-64 and has not been disqualified by this section. A political party shall be an association of voters united for the purpose of promoting a common political end or carrying out a particular line of political policy and which maintains a general organization throughout the State, including a regularly constituted central committee and county committees in each county other than Kalawao.

(b) Any party which does not meet the following requirements or the requirements set forth in sections 11-62 to 11-64, shall be subject to disqualification:

- (1) A party must have had candidates running for election at the last general election for any of the offices listed in paragraph (2) whose terms had expired. This does not include those offices which were vacant because the incumbent had died or resigned before the end of the incumbent's term; and
- (2) The party received at least ten per cent of all votes cast:
  - (A) For any of the offices voted upon by all the voters in the State; or
  - (B) In at least fifty per cent of the congressional districts;
- (3) The party received at least four per cent of all the votes cast for all offices of state senator statewide;
- (4) The party received at least four per cent of all the votes cast for all the offices of state representative statewide; or
- (5) The party received at least two per cent of all the votes cast for all the offices of state senate and all the offices of state representative combined statewide. [L 1970, c 26, pt of §2; am L 1979, c 125, §3(1); am L 1983, c 34, §3; am L 1986, c 323, §1; am L 1997, c 287, §1; am L 1999, c 205, §1]

**§11-62 Qualification of political parties; petition.** (a) Any group of persons hereafter desiring to qualify as a political party for election ballot purposes in the State shall file with the chief election officer a petition as provided in this section. The petition for qualification as a political party shall:

- (1) Be filed not later than 4:30 p.m. on the one hundred seventieth day prior to the next primary;
- (2) Declare as concisely as may be the intention of signers thereof to qualify as a statewide political party in the State and state the name of the new party;
- (3) Contain the name, signature, residence address, date of birth, and other information as determined by the chief election officer of currently registered voters comprising not less than one-tenth of one per cent of the total registered voters of the State as of the last preceding general election;
- (4) Be accompanied by the names and addresses of the officers of the central committee and of the respective county committees of the political party and by the party rules; and
- (5) Be upon the form prescribed and provided by the chief election officer.

(b) The petition shall be subject to hearing under chapter 91, if any objections are raised by the chief election officer or any other political party. All objections shall be made not later than 4:30 p.m. on the twentieth business day after the petition has been filed. The chief election officer may extend the objection period up to an additional ten business days, if the group desiring to qualify as a political party is provided with notice of extension and the reasons therefore. If no objections are raised by 4:30 p.m. on the twentieth business day, or the extension thereof, the petition shall be approved. If an objection is raised, a decision shall be rendered not later than 4:30 p.m. on the thirtieth day after filing of the objection or not later than 4:30 p.m. on the one hundredth day prior to the primary, whichever shall first occur.

(c) The chief election officer may check the names of any persons on the petition to see that they are registered voters and may check the validity of their signatures. The petition shall be public information upon filing.

(d) Each group of persons desiring to qualify as a political party, having first qualified as a political party by petition under this section, and having been qualified as a political party for three consecutive general elections by petition or pursuant to section 11-61(b), shall be deemed a political party for the following ten-year period. The ten-year period shall begin with the next regularly scheduled general election; provided that each party qualified under this section shall continue to field candidates for public office during the ten-year period following qualification. After each ten-year period, the party qualified under this section shall either remain qualified under the standards set forth in section 11-61, or requalify under this section 11-62. [L 1970, c 26, pt of §2; am L 1973, c 217, §1(p); am L 1983, c 34, §4; am L 1986, c 323, §2; am L 1993, c 304, §4; am L 1997, c 287, §2; am L 1998, c 33, §1; am L 1999, c 205, §2]

**§11-63 Party rules, amendments to be filed.** All parties must file their rules with the chief election officer not later than 4:30 p.m. on the one hundred fiftieth day prior to the next primary. All amendments shall be filed with the chief election officer not later than 4:30 p.m. on the thirtieth day after their adoption. The rules and amendments shall be duly certified to by an authorized officer of the party and upon filing, the rules and amendments thereto shall be a public record. [L 1970, c 26, pt of §2; am L 1973, c 217, §1(q); am L 1983, c 34, §5; am L 1986, c 323, §3]

**§11-64 Names of party officers to be filed.** All parties shall submit to the chief election officer and the respective county clerks not later than 4:30 p.m. on the ninetieth day prior to the next primary, a list of names and addresses of officers of the central committee and of the respective county committees. [L 1970, c 26, pt of §2; am L 1973, c 217, §1(r); am L 1983, c 34, §6]

**§11-65 Determination of party disqualification; notice of disqualification.** (a) Not later than 4:30 p.m. on the one hundred twentieth day after a general election, the chief election officer shall determine which parties were qualified to participate in the last general election, but which have become disqualified to participate in the forthcoming elections. Notice of intention to disqualify shall be served by certified or registered mail on the chairperson of the state central committee or in the absence of the chairperson, any officer of the central committee of the party, as shown by the records of the chief election officer. In addition, public notice of intention to disqualify shall also be given.

(b) If an officer of the party whose name is on file with the chief election officer desires a hearing on the notice of intention to disqualify, the officer of the party shall, not later than 4:30 p.m. on the tenth day after service by mail or not later than 4:30 p.m. on the tenth day after the last day upon which the public notice is given in any county, whichever is later, file an affidavit with the chief election officer setting forth facts showing the reasons why the party should not be disqualified. The chief election officer shall call a hearing not later than twenty days following receipt of the affidavit. The chief election officer shall notify by certified or registered mail the officer of the party who filed the affidavit of the date, time and place of the hearing. In addition, public notice of the hearing shall be given not later than five days prior to the day of the hearing. The chief election officer shall render the chief election officer's decision not later than 4:30 p.m. on the seventh day following the hearing. If the party does not file the affidavit within the time specified, the notice of intention to disqualify shall constitute final disqualification. A party thus disqualified shall have the right to requalify as a new party by following the procedures of section 11-62. [L 1970, c 26, pt of §2; am L 1973, c 217, §1(5); am L 1977, c 189, §1(4); gen ch 1985, 1993; am L 1998, c 2, §4]